

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**JESSE W. BODLEY, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF WAYLON RENARD
BODLEY, DECEASED**

V.

**ADAM AUTO HAULING, LLC
AND KARRAR F. SAHIB**

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CIVIL ACTION No. 6:20-CV-230

NOTICE OF REMOVAL

Defendants Adam Auto Hauling, LLC and Karrar F. Sahib (“Defendants”) file this Notice of Removal pursuant to 28 U.S.C. § 1332(a) to remove the present action to the United States District Court for the Western District of Texas, Waco Division, and state as follows:

INTRODUCTION

1. This lawsuit was initiated on February 4, 2020 when Plaintiff Jesse W. Bodley, Individually and as Personal Representative of the Estate of Waylon Renard Bodley, Deceased (“Plaintiff”), filed his Original Petition in Cause No. 20-0051CV in the 369th Judicial District Court of Leon County, Texas against Defendants.¹ The suit arises from a vehicular accident that occurred on or about March 31, 2018 in Leon County, Texas, resulting in the death of Waylon Renard Bodley (the “Incident”).

¹ See Plaintiff’s Original Petition, attached within Exhibit “B” and incorporated herein, at page 2.

2. Both Defendants Adam Auto Hauling, LLC and Karrar F. Sahib were served with Plaintiff's Original Petition on February 28, 2020 in person and via certified mail. Defendants filed their Answer on March 23, 2020.²

GROUND FOR REMOVAL—DIVERSITY OF CITIZENSHIP

3. Removal is proper because there is complete diversity of citizenship between the parties and the alleged amount in controversy exceeds \$75,000, exclusive of interest and costs. See 28 U.S.C. § 1332(a)(1). Plaintiff's Original Petition states that Plaintiff seeks monetary relief over \$1,000,000.00.³

4. Plaintiff Jesse W. Bodley is a resident and citizen of Texas.⁴

5. Defendant Adam Auto Hauling, LLC was at all material times hereto (including as of the date of the Incident through the present) and remains a foreign corporation organized and existing under the laws of the State of Ohio with its principal place of business in Powell, Ohio.⁵

6. Defendant Karrar F. Sahib also was at all material times hereto (including as of the date of the Incident through the present) and remains a resident of the State of Ohio, residing in Powell, Ohio.⁶

VENUE IN THE WESTERN DISTRICT IS PROPER

7. Plaintiff filed this action in Leon County, Texas. The Waco Division of the Western District of Texas encompasses Leon County, Texas. See 28 U.S.C § 124(c)(2).

² See Defendants Adam Auto Hauling, LLC and Karrar F. Sahib's Original Answer to Plaintiff's Original Petition, attached within Exhibit "B" and incorporated herein.

³ See Exhibit B, Plaintiff's Original Petition, page 7.

⁴ *Id.*, page 2.

⁵ See Articles of Organization of Adam Auto Hauling, LLC, attached as Exhibit D and incorporated herein.

⁶ See Declaration of Karrar F. Sahib, attached as Exhibit E and incorporated herein.

Thus, this district and division embrace the place where the state court action is pending. See 28 U.S.C. §1441(a).

PROCEDURAL REQUIREMENTS FOR REMOVAL

8. Defendants were served on February 28, 2020. This Notice of Removal is filed on March 26, 2020. Accordingly, this Notice of Removal is timely filed within 30 days of when Defendants received Plaintiff's Original Petition and within one year of the commencement of this suit. See 28 U.S.C. § 1446(b).

NOTICE TO STATE DISTRICT COURT AND PLAINTIFF

9. Defendants' Notice of Removal has been served upon Plaintiff through his counsel by Notice of Filing/E-File along with email service. Defendants' Notice of Removal is being promptly filed with the Clerk of the 369th Judicial District Court of Leon County and serves immediately to confer exclusive jurisdiction of this cause upon this Court, and divests the state court of all jurisdiction over these proceedings and claims.

10. The filing fee has been paid to the Clerk.

11. This Notice of Removal is filed subject to and without waiver of any defenses or objections to Plaintiff's Original Petition as allowed by the Federal Rules of Civil Procedure or by any applicable law.

INDEX OF EXHIBITS FILED

12. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by the following documents:

Exhibit A: An index of matters being filed;

Exhibit B: The state court docket sheet, all executed process in the case, all pleadings asserting causes of action and all answers to such pleadings;

- Exhibit C: A list of all counsel of record, including addresses, telephone numbers, and parties represented;
- Exhibit D: A copy of Adam Auto Hauling, LLC's Articles of Organization;
- Exhibit E: Declaration of Karrar F. Sahib; and
- Exhibit F: Civil Cover Sheet.

CONCLUSION

Defendants Adam Auto Hauling, LLC and Karrar F. Sahib pray that this action be removed to this Court, that this Court accept jurisdiction of this action in its entirety, and that this action be placed on the docket of the Court for further proceedings as though this action had been initially instituted in this Court.

Respectfully submitted,

By: /s/ Elizabeth "Lisa" Massey
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all known counsel of record pursuant to the Texas Rules of Civil Procedure on this 26th day of March, 2020.

/s/ Elizabeth "Lisa" Massey
ELIZABETH "LISA" MASSEY